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March 11, 2015

The Honorable Kathleen Tomlinson  
United States District Court  
100 Federal Plaza  
Central Islip, NY 11722-9014

Re: Jarrett Jenkins v. Portfolio Recovery Associates, LLC  
U.S. District Court, Eastern District of New York  
No. 2:14-cv-03532-SJF-AKT

Dear Judge Tomlinson:

As was set forth in the Motion of Defendant Portfolio Recovery Associates, LLC ("PRA") to Substitute Counsel filed on March 10, 2015, lead counsel for PRA in this matter, Jonathan D. Elliot, passed away unexpectedly on February 23, 2015. PRA has requested that the Court approve its request to substitute Matthew B. Johnson of Marshall Dennehey Warner Coleman & Goggin's New York office as its counsel. While PRA's request remains pending, and in light of the procedural posture of this case, I write on behalf of PRA to request that the remaining case management deadlines, including the upcoming March 26, 2015 telephonic conference with the Court, the March 31, 2015 discovery deadline and the upcoming appearance before Judge Feuerstein on April 14, 2015 be extended by sixty (60) days.

Discovery was originally set to be completed by January 20, 2015. PRA made one previous request for a sixty-day extension of the deadline to complete discovery, which the Court granted on January 16, 2015. PRA makes this request in order to permit new counsel to assess the case, complete discovery and evaluate the potential for summary judgment.

By email correspondence of March 6, 2015, Lauren M. Burnette, Esquire of Marshall Dennehey Warner Coleman & Goggin inquired whether Mr. Jenkins would concur in PRA's request to extend all pending case management deadlines. By response of March 9, 2015, Mr. Jenkins refused, stating that my firm, Zeldes, Needle & Cooper, is still lead counsel for PRA; that Mr. Elliot and Mr. Drummond C. Smith of this firm both appeared in this matter and that Mr. Smith and I could take over representation of PRA following Mr. Elliot's passing; that discovery has already been extended once at PRA's

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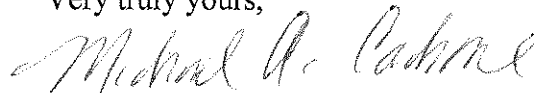
request; that PRA should have retained Marshall Dennehey Warner Coleman & Goggin at the inception of this litigation if PRA desired their representation; and that no one has contacted him to reschedule the March 17, 2015, deposition of PRA's corporate representative.

In response, I note that in addition to Mr. Elliot's passing, Mr. Smith has left Zeldes, Needles & Cooper. I entered my appearance to assist Mr. Elliot. PRA's request is necessitated solely by Mr. Elliot's passing, and not by a desire to change counsel mid-stream. Given the circumstances, a sixty (60) day extension of the pending deadlines is reasonable, as PRA would incur unnecessary prejudice were it required to meet the remaining case management deadlines in the face of Mr. Elliot's unexpected passing. Mr. Jenkins will incur no prejudice, as he has yet to depose PRA's corporate designee.

The undersigned respectfully submits that this office has contacted Mr. Jenkins via e-mail to advise that the March 17, 2015 deposition cannot proceed as scheduled, and will be rescheduled for the next mutually agreeable date as soon as the Court addresses PRA's request that Marshall Dennehey Warner Coleman & Goggin be substituted as its counsel.

I thank the Court for its consideration of this request.

Very truly yours,



Michael A. Carbone

cc: Jarrett R. Jenkins  
Plaintiff *pro se*

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